

Joshua B. Swigart, Esq. (SBN: 225557)  
josh@westcoastlitigation.com  
David J. McGlothlin, Esq. (SBN: 253265)  
dmcglothlin@westcoastlitigation.com  
**HYDE & SWIGART**  
411 Camino Del Rio South, Suite 301  
San Diego, CA 92108-3551  
Telephone: (619) 233-7770  
Facsimile: (619) 297-1022

Attorney for the Defendant  
Dale R. Peterson

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

DALE R. PETERSON,

Plaintiff,

v.

LVNV FUNDING, LLC,

Defendant.

Case No.: 08 CV 1171 JLS NLS

**PROOF OF SUMMONS**

Summons in a Civil Action (Rev 11/97)

# United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL -1 PM 2:11

DALE R. PETERSON,

vs

LVNV FUNDING, LLC,

## SUMMONS IN A CIVIL ACTION

Case No.

08 CV 1171 JLS NLS

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Joshua B. Swigan  
Hyde & Swigan  
411 Camino Del Rio South, Suite 301  
San Diego, CA 92108

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

CLERK

JUL 01 2008

DATE

By

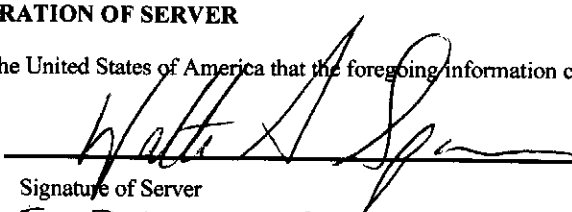
SEAL

LOYD, Deputy Clerk

Summons in a Civil Action

Page 1 of 2

CR

RETURN OF SERVICE			
Service of the Summons and Complaint was made by me		DATE 7/10/08	
NAME OF SERVER <b>Walter A. Spires</b>		TITLE <b>process server</b>	
Check one box below to indicate appropriate method of service			
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____			
<input type="checkbox"/> Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:			
Name of person with whom the summons and complaint were left: _____			
<input type="checkbox"/> Return unexecuted:			
<input checked="" type="checkbox"/> Other (specify): <b>Corporate Service: David Foster as legal director for LUNV Funding LLC</b>			
STATEMENT OF SERVICE FEES			
TRAVEL		SERVICES	TOTAL \$0.00
<div style="text-align: center;"><b>DECLARATION OF SERVER</b></div> <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.</p> <p>Executed on: <b>7/11/08</b>      Date <b>7/11/08</b>      Signature of Server </p> <p style="text-align: right;">Address of Server <b>512 Pettigrew St. Greenville, SC 29601</b></p>			
<div style="text-align: center;"><b><u>NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE</u></b></div> <p>IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u></p> <p>YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.</p> <p>JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.</p>			

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

JOSHUA B. SWIGART, ESQ. (SBN 225557)  
HYDE & SWIGART  
411 CAMINO DEL RIO SOUTH, SUITE 301  
SAN DIEGO CA 92108  
619-233-7770  
Attorney for : DALE R. PETERSON

Ref. No. : 1106665-01  
Atty. File No.: 08CV1171JLSNLS

UNITED STATES DISTRICT COURT, SO. DISTRICT OF CA  
SOUTHERN JUDICIAL DISTRICT

PLAINTIFF : DALE R. PETERSON  
DEFENDANT : LVNV FUNDING, LLC

Case No.: 08CV1171JLSNLS  
**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS IN A CIVIL; COMPLAINT
3. a. Party served : LVNV FUNDING, LLC  
AUTHORIZED AGENT FOR SERVICE: CT CORPORATION SYSTEM  
b. Person served : DAVID FOSTER, LEGAL DIRECTOR  
(AUTHORIZED AGENT FOR SERVICE)
4. Address where the party was served 15 S. MAIN STREET  
GREENVILLE, SC 29601 (Business)
5. I served the party  
a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on July 10, 2008 (2) at: 03:10 PM
6. The "Notice to the person served" (on the summons) was completed as follows:  
c. on behalf of: LVNV FUNDING, LLC  
AUTHORIZED AGENT FOR SERVICE: CT CORPORATION SYSTEM  
under [xx] Other LLC
7. **Person who served papers**  
a. WALTER SPIRES  
b. KNOX ATTORNEY SERVICE, INC.  
2250 Fourth Avenue  
San Diego, California 92101  
c. 619-233-9700  
d. Fee for service: \$140.50  
e. I am:  
(3) a registered California process server  
(i) an independent contractor  
(ii) Registration No.: 152  
(iii) County: San Diego

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: July 17, 2008

Signature: SEE ATTACHED NOTARIZED AFFIDAVIT

WALTER SPIRES

**AFFIDAVIT OF SERVICE**

**UNITED STATES DISTRICT COURT  
Southern District of California**

Case Number: 08 CV 1171 JLS NLS

Plaintiff:

**Dale R Peterson**

vs.

Defendant:

**LVNV Funding LLC**

For:

Knox Attorney Services Inc.

2250 4th Ave

San Diego, CA 92101

Received by Knox Attorney Services Inc. to be served on **LVNV Funding LLC, 15 S Main St, Greenville, SC.**

I, Walter Spires, being duly sworn, depose and say that on the **10th day of July, 2008 at 3:10 pm, I:**

served **LVNV Funding LLC** by delivering a true copy of the **Summons and Complaint and Civil Action Cover Sheet** with the date and hour of service endorsed thereon by me, to: **David Foster as Legal Director for LVNV Funding LLC**, at the address of: **15 S Main St, Greenville, SC 29601**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 11th day of  
July, 2008 by the affiant who is personally known to me.

  
NOTARY PUBLIC for South Carolina

My commission expires: 2/10/2015

  
**Walter Spires**  
Process Server

**Knox Attorney Services Inc.**  
**2250 4th Ave**  
**San Diego, CA 92101**  
**(619) 233-9700**

Our Job Serial Number: 2008007216  
Ref: 1106665-01